


5. Blockbuster has also agreed not to schedule any discovery motion in this case for hearing prior to November 17, 2006.

6. The parties respectfully request and agree that the Court enter an order providing as set forth above.

DATED: September 28, 2006      KEKER & VAN NEST, LLP

By Ashok Ramani by express consent  
by William J. O'Brien  
 Ashok Ramani  
 Attorneys for Plaintiff and Counterdefendant,  
 Netflix, Inc.

DATED: September 28, 2006      ALSCHULER GROSSMAN STEIN &  
KAHAN LLP

By   
William J. O'Brien  
Attorneys for Defendant and Counterclaimant,  
Blockbuster Inc.

**[PROPOSED] ORDER**

It is so ordered.

DATED: \_\_\_\_\_

Honorable Joseph C. Spero  
United States Magistrate Judge